

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH
OCT 26 2011

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D. MARK JONES, CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	M I S D E M E A N O R
	:	I N F O R M A T I O N
Plaintiff,	:	
	:	(Violation Notice F4377024)
v.	:	
	:	Simple Possession of a
PAUL MARTINEZ,	:	Controlled Substance
	:	(21 U.S.C. § 844)
Defendant.	:	
	:	Magistrate Judge Robert T.
	:	Braithwaite

The United States Attorney Charges:

COUNT I

On or about the 30th day of September, 2011, in the Central Division of the District of Utah, on National Forest System Land within Utah County, State and District of Utah,

PAUL MARTINEZ,


the Defendant herein, did possess a controlled substance (to wit: marijuana), all in violation of 21 U.S.C. § 844 and as described in the attached copy of Violation Notice F4377024 with Statement of

Case: 2:11-cr-00901
Assigned To : Braithwaite, Robert T.
Assign. Date : 10/26/2011
Description: USA v Martinez

Probable Cause, which are incorporated by reference and made a part thereof.

DATED this 26th day of October, 2011.

DAVID B. BARLOW
United States Attorney



STANLEY H. OLSEN
Assistant United States Attorney

United States District Court

Violation Notice

CVB Location Code

033

Violation Number F4377024	Officer Name (Print) SUNITH	Officer No. 2041
YOU ARE CHARGED WITH THE FOLLOWING VIOLATION		
Date and Time of Offense (mm/dd/yyyy) 9/30/11 1830	Offense Charged 21 USC 844	
Place of Offense Payson Cyn / UMCNF		
Offense Description 21 USC 844 Simple Possession Marijuana		

F 4377024

ADDITIONAL SUBJECT INFORMATION

Telephone Home	Telephone Work
Business Address	
Scars, Marks, Tattoos	
AKA'S	
Occupation	Clothing

ADDITIONAL VEHICLE INFORMATION

Registered Owner	<input type="checkbox"/> Same as driver
Stored at	Telephone

LOCATION DESCRIPTION

Region 04	Forest 19	District 08	State 47	County 47	Info. Retrieval Codes 04
Incident Location Coordinate (Latitude/Longitude) (ddd:mm:ss / ddd:mm:ss) 39° 56' 56" / -111° 40' 55"					

Property (Whole Dollar Amount)		
Damage \$	Stolen \$	Recovered \$
Resource (Whole Dollar Amount)		
Damage \$	Stolen \$	Recovered \$
Timber/Other Forest Products (Volume)		
Contractual	Permit	Theft
Species	Product	Unit Measure

INCIDENT TYPE

DPH

CASE DISPOSITION

Case No.	Offense Code	Court Level <input type="checkbox"/> Federal Magistrate (M) <input type="checkbox"/> State (S) <input type="checkbox"/> Federal District (D)
Disposition <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty	<input type="checkbox"/> Dismissed <input type="checkbox"/> Other	<input type="checkbox"/> Warrant <input type="checkbox"/> Pending <input type="checkbox"/> Forfeiture <input type="checkbox"/> Diversion
Fine \$	Suspended Fine \$	Restitution \$
Sentence (Days)	Suspended Sentence (Days)	Probation (Days)
Public Service (Hours)	Court Appearance Date (mm/dd/yyyy)	
Warrant Number	Date Warrant Issued (mm/dd/yyyy)	
Warrant Bond \$	Warrant date of Service (mm/dd/yyyy)	New Case No.

DEFENDANT INFORMATION

Last Name MARTINEZ	First Name PAUL	M.I.
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☒ Adult ☐ Juvenile

VEHICLE INFORMATION

Tag No.	State	Year	Make	Type	Color
A <input checked="" type="checkbox"/> IF BOX A IS CHECKED, YOU MUST APPEAR IN COURT. SEE INSTRUCTIONS (on back of yellow copy). B <input type="checkbox"/> IF BOX B IS CHECKED, YOU MUST PAY AMOUNT INDICATED BELOW OR APPEAR IN COURT. SEE INSTRUCTIONS (on back of yellow copy).					
\$ _____ Forfeiture Amount + \$25 Processing Fee \$ _____ Total Collateral Due					

PAY THIS AMOUNT →

YOUR COURT DATE

(If no court appearance date is shown, you will be notified of your appearance date by mail.)

Court Address 350 S. MAIN ST. SCL 4784101	Date (mm/dd/yyyy) 11/10/2011 Time (hh:mm) 9:00 AM
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My signature signifies that I have received a copy of this violation notice. It is not an admission of guilt. I promise to appear for the hearing at the time and place instructed or pay the total collateral due.

X Defendant Signature **PAUL MARTINEZ**

Previous edition is obsolete

Original - CVB Copy

FS-5300-4 (8/07)



USDA STATEMENT OF PROBABLE CAUSE
Forest Service

CASE NUMBER
14B26 F4377024

I state than on September 30, 2011 while exercising my duties as a law enforcement officer on Federal Lands, District of Utah.

I, Officer Ira Smith while on patrol of Payson Canyon saw two males walking across a log over a river and back towards the main road. I noticed that they were walking away from an area where drug use is known to take place. I personally have knowledge of this due to the fact that I have found people using illegal drugs in and around the same area on several occasions.

Due to my experience and knowledge of the area I suspected that the two males were using or had possibly used illegal drugs. I also suspected drug use because the males had no fishing poles, no hiking gear or camping equipment. My training and experience has taught me that usually people are recreating in some form or another when using National Forest Land.

I parked my truck out of their view and walked up to the two males. I identified myself as Forest Service Law Enforcement and asked if I may speak with them for a moment. The two males who were identified as Mr. Paul MARTINEZ (DOB _____) and a Mr. Jason G. PAZ (L _____ 1) agreed to speak with me and stopped walking. I then asked where they had walked from and they told me a little camp spot across the river and showed me where they had crossed the log.

I then asked what they had been doing across the river. The men told me that they were just, "hanging out." While speaking with the two men I noticed that their eyes were unusually red and glossy. I also noticed that they were slow in speech and were slow in answering my questions. Due to these indicators I asked I may view their driver's licenses. They both handed me their driver's licenses. I then noticed as they handed me their driver's license that both men smelled of burnt marijuana. I noticed that MARTINEZ was very nervous and his hand was shaking as he handed me his driver's license.

I then advised both men that I knew they were smoking marijuana because of the odor of burnt marijuana on their persons. I asked which individual was carrying the marijuana and MARTINEZ told me that he was. I asked him to please remove the marijuana and hand it to me. MARTINEZ handed me a multi colored glass pipe and a small bag containing a green leafy substance which looked and smelled like marijuana. Both the pipe and bag were inside his socks.

I then walked with both PAZ and MARTINEZ to their vehicle. I asked if they were going to drive home. PAZ was the owner of the car and told me that they had planned on driving home before I made contact with them. I asked PAZ how long ago they had smoked the marijuana. PAZ said, "About ten minutes ago." I asked PAZ if he had smoked the marijuana as well. PAZ admitted to smoking marijuana. I advised both PAZ and MARTINEZ that they were not to drive down the canyon but to remain in the area a while longer due to the fact that they were both under the influence of marijuana.

I then issued both PAZ and MARTINEZ violation notices for simple possession of a controlled substance-marijuana under 21 USC 844. I advised both PAZ and MARTINEZ of their November 10th court date as well as the address to the court. I asked both men if they had any previous drug involvements to which they replied, "No." I advised them that they may be eligible for probation if that were true.



USDA STATEMENT OF PROBABLE CAUSE
Forest Service

CASE NUMBER
14B26 F4377024

The foregoing statement is based upon:

- ☒ my personal observation ☒ my personal investigation
- ☐ information supplied to me from my fellow officer's observation
- ☐ other (explain above)

I declare under penalty of perjury that the information which I have set forth above and on the face of this violation notice is true and correct to the best of my knowledge.

Executed on: 9/30/2011

Date

IRA SMITH
Officer's Signature

IRA SMITH 2041

Officer's Printed Name and Badge Number

Probable cause has been stated for the issuance of a warrant.

Executed on: _____

Date

U.S. Magistrate Judge